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from Romanization, has so clarified it as to make codification appear needless, has received the adhesion of a whole generation of English scholars, and has finished its work in America, to be succeeded by the present conscious effort to adapt the law, thus explained, to actual life. Harrison could not see that it is neither the past nor the immediate present, but the future, which is the true object of study; and that while the present, an absolute factor, throws little light on impending changes, the tangential factors of the past alone can enable one to predict the changes of the future. The chief object of education must be, to enable one to live and work in the future with continually better adaptation to the new conditions. Education, therefore, must enable one not merely to fix the point of present attainment, but to plot the curve of progress.

And so, despite Harrison's philosophical belittling of the Historical Method, his book, now an historical document, really throws light on the future by way of the past.

J. H. BEALE.

COUNTY ADMINISTRATION. By Chester C. Maxey. With an introduction by Charles A. Beard. New York: The Macmillan Company. 1919. pp. xxi, 203.

The title of this volume is apt to mislead the unwary. The book is not a study of county administration in general; it merely embodies the results of an inquiry made by the author into the county affairs of Delaware, a state which has only three counties in all. There are chapters on the existing county organization, on financial procedure, almshouses, highway administration, and so forth, with a statement of general conclusions at the end of the book.

Mr. Maxey's volume is the first of a series projected by the New York Bureau of Municipal Research with the particular object of releasing the study of actual government from "the bondage to legalistic tradition." Consequently it takes little account of laws, charters, or official reports, and devotes the bulk of its attention to data gathered from visits to county institutions and other "first-hand" information.

A study of this sort has its merits; also its limitations. Locally it may have considerable interest and value, but beyond the borders of Delaware it will not carry a great deal of enlightenment. We shall need a good many of these microscopic studies before we can safely generalize concerning the three thousand counties of the United States.

W. B. MUNRO.

PRINCIPES DE DROIT PUBLIC. By Maurice Hauriou. Second Edition. Paris: Sirey. 1916. pp. xxxii, 828.

This is a treatise on the theory of the state. For about a quarter of a century French universities have offered examinations in this subject to students seeking degrees in political science. This is one of the books resulting from this rather artificial demand. As it is not prepared for the purpose of teaching international law, constitutional law, or administrative law, or even for the purpose of describing the French governmental machinery, it might be supposed to contain little matter of interest to lawyers, either American or French. Yet this would be a wrong conclusion. The author, professor of administrative law and dean of the law faculty in the University of Toulouse, has not been able to dissociate himself wholly from the lawyer's point of view. The phraseology is, to be sure, metaphysical, and the thought carries one back to those schoolmen who in the Middle Ages ornamented theology. On almost every page one finds allusions to realism, nominalism, personification, individualism, subjective personality, objective individuality, and similar words and concepts.

More than a century ago Hallam thought that the discussion of realism and nominalism had become obsolete in theology; but he lived to learn his mistake.<sup>1</sup> In law, realism and nominalism have long been lively features of American discussion regarding business corporations. Now, as this volume shows, realism and nominalism are lively factors in European discussion regarding the nature of government; and not for the first time.<sup>2</sup> If Americans ever become interested in the respective merits of absolutism and syndicalism, there are parts of this volume which will be read with great interest, for the author, an orthodox believer in constitutional government, carefully maps out a middle path, using, however, the metaphysical vocabulary to which a lawyer objects save in cases of great emergency. As no such emergency has yet arisen in the United States, it seems enough to point out a number of passages of present interest.

In the introduction it is explained that there cannot be a state in the modern sense of the word unless governing power is separated from the ownership of property, and that hence the modern state has arisen since the termination of the feudal system. Thus it happened that the modern state arose after there already existed civilization and political organization, so that the modern state can be considered as the result of conscious reflection and will. It is also pointed out that one of the features of the modern state is the centralization of law, that centralization brings written law, that written law is more easily changed than customary law, that private property is regulated by customary law rather than by written law, that governmental power is more likely to be the subject of written law, that private property is more stable than governmental power, and that the ease of changing written law may result in too rapid governmental changes. By way of example, it is said that the French Revolution of 1789 by substituting written governmental law for customary law placed France in a position where revolutions would be easy, save that revolution is prevented to some extent by a high standard of political morality and to some extent by those difficulties in changing a written constitution which cause such a constitution to have an artificial resemblance to institutions created by custom.

Surely those points, found in the first dozen pages of the introduction, show that the book has interest even for an American lawyer. Yet the same reader would omit the next three hundred pages as too remote from his present modes of thought. There are in those pages, to be sure, frequent passages deserving attention, but they are almost inextricably interwoven with metaphysical discussions, appropriate and indeed requisite in a book designed to prepare candidates for examination.

After completing his treatment of objectivity, subjectivity, and personification, the author comes to considerations of a more practical nature, and here he thoroughly merits reading. Thus he develops the need of retaining local institutions and the danger that a centralized government will overthrow those institutions and create an overwhelming administrative machine (pp. 306-321, 588-614), and he discusses the relation between individual liberty and social necessity (pp. 380-392, 430-438, 491-545), the separation of civil and military power (pp. 441-455), and the importance of having a written constitution and of conceding judicial power to disregard unconstitutional acts of the executive and legislative departments (pp. 36-38, 642-646, 686-691). He gives a searching criticism of syndicalism (pp. 735-762), including a discussion of combinations of public officials (pp. 739-750), and concludes with an exposition of some social diseases and crises and possible remedies (pp. 773-798).

The two predominant thoughts characterizing the volume are a belief in the practical wisdom of conservatism (p. 41), and a recognition that as regards all

<sup>1</sup> HALLAM'S MIDDLE AGES, Chap. IX, Pt. II.

<sup>2</sup> Maitland's introduction to GIERKE'S POLITICAL THEORIES OF THE MIDDLE AGES.

governmental power there is need of an equilibrium (pp. xiv-xvi, 27-40, and *passim*), effected by checks and balances, to use the phrase so often applied to the system developed in the Constitution of the United States.

E. W.

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### BOOKS RECEIVED

GOVERNMENT ORGANIZATION IN WAR TIME AND AFTER. By William Franklin Willoughby. New York: D. Appleton and Company.

THE NEGOTIABLE INSTRUMENTS LAW. By Joseph Doddridge Brannan. Third edition. Cincinnati: W. H. Anderson Company.

THE ANNOTATED BLUE SKY LAWS OF THE UNITED STATES. By John M. Elliott. Cincinnati: W. H. Anderson Company.

JUDICIAL SETTLEMENT OF CONTROVERSIES BETWEEN STATES OF THE AMERICAN UNION. Edited by James Brown Scott. Two volumes. Carnegie Endowment for International Peace. New York: Oxford University Press.

THE LIFE OF JOHN MARSHALL. By Albert L. Beveridge. Three volumes. Boston: Houghton Mifflin Company.

RICHARD COBDEN, THE INTERNATIONAL MAN. By J. A. Hobson. New York: Henry Holt and Company.

PRINCIPLES OF THE LAW OF CONTRACTS. By Sir William R. Anson. American notes by Arthur L. Corbin: Fourteenth English edition, third American edition. New York: Oxford University Press.

BUSINESS LAW. An Elementary Treatise. By Alfred W. Bays. New York: The Macmillan Company.

AN ELEMENTARY TREATISE ON THE LAW OF REAL PROPERTY. By Elliot Judd Northrup. Boston: Little, Brown and Company.

CELEBRATION LEGAL ESSAYS. By various authors. To Mark the Twenty-fifth Year of Service of John H. Wigmore. (Wigmore Celebration Legal Essays.) Chicago: Northwestern University Press.

CASES ON THE LAW OF EVIDENCE. By Edward W. Hinton. American Case-book Series. William R. Vance, General Editor. St. Paul: West Publishing Company.